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SEA**

**SERVICE DATE - NOVEMBER 17, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33 (Sub-No. 211X)**

**Union Pacific Railroad Company – Abandonment Exemption – in Alameda County, CA**

## **BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments in connection with the abandonment of a line of railroad (the Milpitas Subdivision) in Alameda County, California. The portion of the rail line proposed for abandonment extends 5.38 miles from milepost 0.00 near Clark Drive at Niles Junction to milepost 5.38 near Washington Boulevard, in and near Fremont. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

## **DESCRIPTION OF THE LINE**

According to UP, there has been no local traffic on the line for at least two years and the minimal overhead traffic over the line would move to an adjacent parallel UP rail line that is no more than half a mile from the line. The right-of-way passes through populated areas of the San Francisco Bay Area, including industrial areas, single family residential neighborhoods and county park lands, and is generally 60 feet in width.

UP sold to the Santa Clara Valley Transportation Authority the right-of-way between milepost 2.61 to milepost 5.38 in 2002 for future extension of the Bay Area Rapid Transit, but retained a freight easement and trackage rights over the track and right-of-way. That portion of the right-of-way would be used for passenger light rail purposes following the proposed abandonment.

UP states that the portion of the right-of-way from Niles Junction to Paseo Padre Parkway may be suitable for recreational purposes; in some instances UP property may be used in conjunction with development of adjacent ownership or sold to adjacent homeowners.

## **ENVIRONMENTAL REVIEW**

UP submitted a combined environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any

post-abandonment activities, including salvage and disposition of the right-of-way. UP served the combined environmental and historic report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has submitted comments stating that 19 geodetic station markers have been identified that may be affected by the proposed abandonment, and requests that NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the markers.

The San Francisco Bay Conservation and Development Commission (SBCDC) has not completed its review of the proposed abandonment. SBCDC is the agency responsible for reviewing the proposed abandonment pursuant to the Coastal Zone Management Act.

## **HISTORIC REVIEW**

UP submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the California Office of Historic Preservation (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

## **CONDITIONS**

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. **Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. **Prior to beginning any salvage activities, Union Pacific Railroad Company (UP) shall consult with the San Francisco Bay Conservation and**

**Development Commission to determine whether California State Coastal Management consistency certification is required. If consistency certification is required, UP shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub-No. 211X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **November 17, 2003**

**Comment due date: December 2, 2003.**

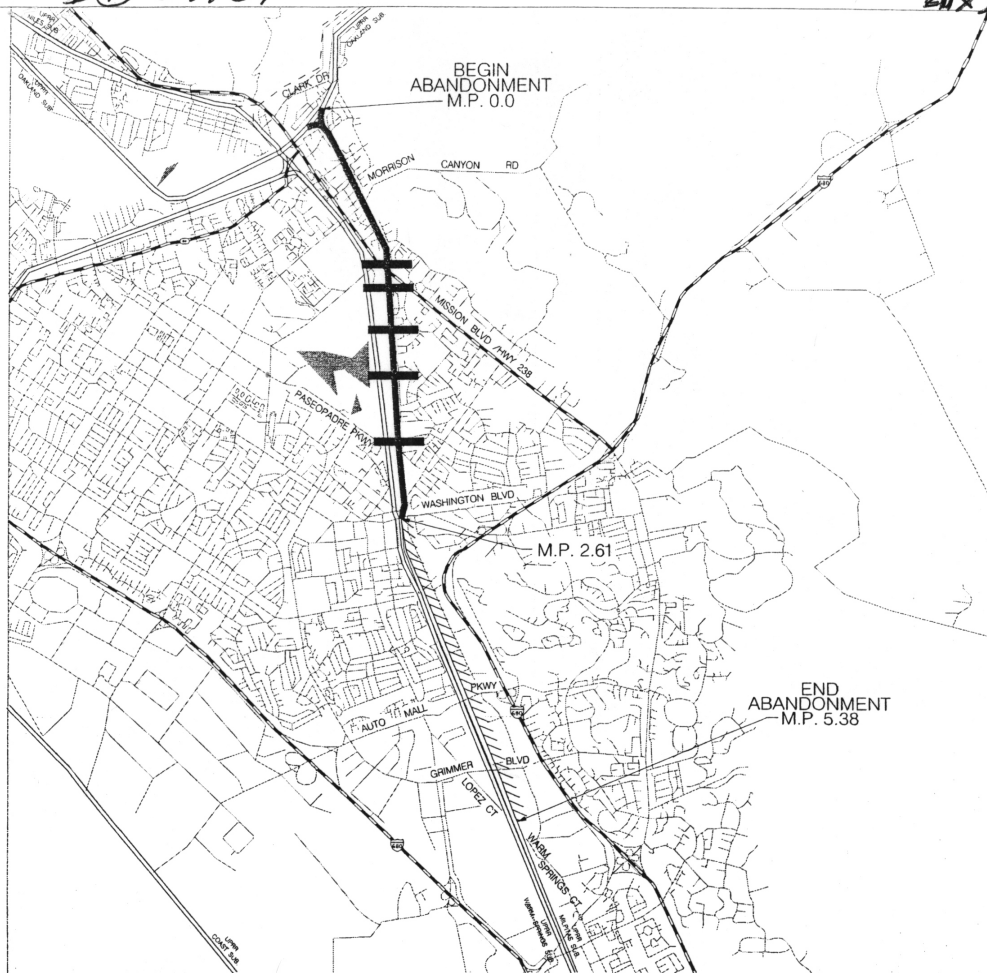
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

ID-34/51

AB-33 (SUB NO 21X)



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
1.23	1 SPAN TPTBD	15'	UNKNOWN
1.39	1 SPAN TPTBD	32'	1921
1.73	1 SPAN TPTBD	45'	UNKNOWN
2.03	1 SPAN TPTBD	15'	UNKNOWN
2.59	1 SPAN TPTBD	22'	UNKNOWN - >50 YRS

LEGEND

- UPRR LINES TO BE ABANDONED
- /// UPRR TRACKAGE RIGHTS OVER SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

MILPITAS SUBDIVISION

MP 0.0 TO MP 5.38  
TOTAL OF 5.38 MILES  
IN ALAMEDA COUNTY, CALIFORNIA

UNION PACIFIC RAILROAD CO.

MILPITAS SUBDIVISION

NILES JCT. TO WARM SPRINGS, CALIFORNIA  
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE 0 1 2 MILES

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DATE: 26-Jun-03 13:41